IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Writ Petition No. 448 (S/S) of 2004

Anil Prasad Kuriyal & others … Petitioners

Versus

Secretary,
Public Service Commission
Uttaranchal & others … Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri H.M. Raturi learned counsel for the petitioners, Sri Sobhit Saharia holding brief of Sri U.K. Uniyal learned counsel for the respondent no. 1 and Sri. Prakash Bisht learned Standing Counsel (Central) appears on behalf of respondent no. 2.

Brief facts of the case are that the petitioners have applied for the post of Lecturer (in various categories) in Inter College published in Dainik Jagran on 08.10.2003. The petitioners have posted their applications forms on 23/24.10.2003 from Uttarkashi by Registered Post. The last date for submission of application forms was 30.10.2003.

Normally, it is presumed that the Postal Department has delivered the Registered letter within a period of five days, therefore, the petitioners cannot be denied for consideration of their application forms for the post of lecturer, because there is no fault at their end.

The Public Service Commission, Uttaranchal has refused to entertain the application forms of the petitioners on the ground that the same was received by the Commission on 31.10.2003, whereas the last date of receiving the applications forms was 30.10.2003.

It has not been mentioned in the advertisement that belated postal delivery shall not be accepted. Thus, the respondents are directed to accept the application forms of the petitioners provisionally, if the examination has not been held till date.

With these directions, the writ petition is disposed of accordingly.

04.05.2004 **(M.M. Ghildiyal, J.)**
ASWAL